

Interference No. 103,000

Kaneko et al.

v.

Sakaegi

RECONSIDERATION

On October 19, 1999, Kaneko et al. (Kaneko) filed a Request for Reconsideration under 37 CFR § 1.658(b) (Paper No. 105) of our final decision of September 17, 1999 under 37 CFR § 1.658(a) (Paper No. 104). Sakaegi stands opposed (Paper No. 108).

A request for reconsideration is limited to specifying arguments raised by the parties at final hearing believed to have been misapprehended or overlooked by the Board. The essence of the junior party's points 1-3 at page 3 in its Request for Reconsideration is that it does not agree with the reasoning and conclusions reached by the Board in its decision. Points 1-3 raised in the Request were raised at final hearing and were fully considered by the Board in reaching its decision. Rule 658(b) does not provide for further argument by a party on reconsideration with respect to the Board's decision on issues with which it disagrees.

Interference No. 103,000

With respect to point 4, the final matter raised in the Request for Reconsideration, it is argued that the Board failed to consider Kaneko's argument on pages 31-33 of its brief that Sakaegi does not teach or suggest adjusting white balance at a shorter cycle in the single shot mode as compared with the continuous mode. We disagree. In the paragraph bridging pages 11 and 12 of its decision, the Board noted that Kaneko raised the issue at final hearing. At page 13, lines 9-11, of its decision, the Board indicated that Sakaegi adjusts white balance less frequently in the higher speed mode (3 times/10 pictures) than in the still image pickup (single shot) mode (10 times/10 pictures). Thus, white balance is adjusted at a shorter cycle (1 time/1 picture) in the single shot mode than in the continuous mode (1 time/3-1/3 pictures). As evident from our opinion at pages 12-15, the term "cycle" is broad and can be read on Sakaegi in more than one way. See the paragraph bridging pages 14 and 15 of our decision. Rule 633(a) allows the U.S. Patent and Trademark Office to consider the patentability of each application's claims as if the application stood alone, and to interpret claims in light of the host disclosure. Rowe v. Dror, 112 F.3d 473, 479-480, 42 USPQ2d 1550, 1554-1555 (Fed. Cir. 1997).

Interference No. 103,000

The request for reconsideration is granted to the extent of the above reconsideration but is denied to the extent of making any change in our final decision.

STANLEY M. URYNOWICZ, JR.)	
Administrative Patent Judge)	
)	
)	
)	
)	
JOHN C. MARTIN)	BOARD OF PATENT
Administrative Patent Judge)	APPEALS AND
)	INTERFERENCES
)	
)	
)	
JAMESON LEE)	
Administrative Patent Judge)	

SMU:clm

Interference No. 103,000

Attorneys for Kaneko et al.:

Birch, Stewart, Kolasch & Birch
301 N. Washington St.
P.O. Box 747
Falls Church, VA 22046-0747

Attorneys for Sakaegi:

Fitzpatrick, Cella, Harper & Scinto
30 Rockefeller Plaza
New York, NY 10112